

MINUTES OF THE REGULAR MEETING OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

JANUARY 9, 2008

The **Regular Meeting** of the Council of Commissioners was called to order Wednesday, **January 9, 2008** in the Council Chambers, Third Floor, Room 312, Courthouse Building, 155 West Granite Street, Butte, Montana by Chief Executive Paul Babb.

ROLL CALL

12 present, 0 absent

PRAYER

Commissioner Fay led the commissioners in prayer.

ITEMS NOT ON THE AGENDA – SUSPENSION OF THE RULES

It was moved by Commissioner O’Leary, seconded by Commissioner Fay and carried by a roll call vote of 12 yeas and 0 nays that in accordance with the provisions of subsection 6 of Rule VI of the Rules of Business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana, the Council hereby finds that an emergency condition exists which requires that the council rules be suspended to allow Communication No. 08-35 to be added to the agenda of tonight’s Regular Meeting of the Council.

PUBLIC COMMENT ON ANY PUBLIC MATTER NOT ON THE AGENDA

None

APPROVAL OF THE MINUTES OF DECEMBER 19, 2007 REGULAR MEETING

It was moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to approve the Minutes of the

CHIEF EXECUTIVE’S REPORT

Chief Executive Babb reported that he attended part of the Anti-Bullying Program today at East Middle School. This was their kick-off meeting and they will have

another meeting on Friday, where they will have a rally of the students. Austin Davis, Student Body President, stood up and took a firm action against bullying.

Also, the NRD program has increased the cap to 20 million dollars on the grants. We've started the planning on some of the projects that we would like to apply for. We will have one of our first meetings this Friday. We want to make sure that we have more proposals in the pipeline than actual money

Next week, Wednesday through Friday, we will have MIG (the group that was selected to do the Parks Master Plan) in town interviewing the administration, the Parks and Recreation Board but also council members and community members. If anyone is interested in that agenda, please see Cindy McIlveen who is spearheading it for the government.

SECTION I

PUBLIC HEARING

FOR THE PURPOSE OF SOLICITING COMMENTS CONCERNING THE ANNUAL UPDATE OF THE BUTTE-SILVER BOW TRANSIT PARATRANSIT PLAN. (Communication No. 07-778 being held in Committee of the Whole) Proof of publication was noted and placed on file.

Gary Keeler, Transit Director, came to the microphone and explained that this is done annually to satisfy the requirement because we receive federal transit money. The ADA was passed in 1990. As it related to public transportation it requires that any transit operator has to provide transportation to the disabled people that is equal to people that are not disabled. We offer a fixed route system with four buses to offer to the most needy citizens. Butte-Silver Bow does remain in compliance in the six criteria – response time, fares, service area, hours and days of service. There are presently 184 people registered for the service. In 2007 we gave 9,444 rides. It's one of the largest line items in our budget. They contract their service to AWARE. They provide an excellent service at a cost-effective price. They had 51 applications this last year.

Chief Executive closed the public hearing at 7:35 and called for proponents. On the third and final call there being none, he called for any opponents. Again there was no response so he closed the public hearing at 7:36 PM.

SECTION II

REQUEST FOR PROPOSALS

FOR THE PURPOSE OF RECEIVING SEALED PROPOSALS FROM QUALIFIED AND EXPERIENCED CONSULTANTS, FIRMS OR QUALIFIED INDIVIDUALS TO PROVIDE PROFESSIONAL SERVICES FOR THE IMPLEMENTATION OF A DEBIT/CREDIT PROCESSING SYSTEM FOR VARIOUS BUTTE-SILVER BOW CITY-COUNTY LOCAL GOVERNMENT OFFICES, TO BE ADMINISTERED THROUGH THE

FINANCE AND BUDGET DEPARTMENT. (Communication No. 08-17) Proof of publication

Chief Executive Babb announced we would skip Section II and segregate Communication No. 08-17. We also have an emergency communication to add to the agenda right we get done with the Consent Agenda

SECTION III

CONSENT AGENDA

- A.**
 - 1. COMMITTEE OF THE WHOLE MEETING REPORT
 - 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
 - 3. JUDICIARY COMMITTEE MEETING REPORT
 - 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

Before entertaining a motion for approval of the Consent Agenda, Chief Executive Babb called for any segregations or “friendly amendments”. Commissioner O’Leary segregated Item 16, Communication No. 08-17. Commissioner Foley segregated Item 5, Communication No. 08-5.

It was then moved by Commissioner O’Leary, seconded by Commissioner Lee and carried by a unanimous verbal vote to approve the Consent Agenda, Section A, Items 1 through 4 and Section B, Items 1 through 34 exclusive of Items 5 and 16.

Segregations

Communication No. 08-05. John Van Daveer, Director Public Works Department, requesting authorization for Chief Executive to enter into contract with Earhart Builders for work on Chelsea Bailey Animal Shelter.

Commissioner Foley said he has had many constituents contact him concerning the issue of the shelter and the issue of the overall change in the department. He commended Erin Wall and her staff for the hard work they do. He feels council should delay action until we have hired a director before we consider this. A lengthy discussion time took place with each commissioner expressing their feelings. Jeff Amerman explained the Albert’s Angel Fund a 501C3 Fund. County Attorney McCarthy explained that for the expansion of the room they should follow the competitive bidding process. Also they are not following the Ordinance regarding the time period to keep animals. They need to follow the ordinance or change the ordinance.

Commissioner Foley made a motion to deny the request to enter into contract with Earhart Builders for expansion at the Chelsea Bailey Animal Shelter. The motion was seconded by Commissioner Sheehy and carried with a roll

call vote of 8 yeas and 4 nays. Voting Nay were Commissioners Shaw, O'Leary, Fay and Sorich.

John Van Daveer, Public Works Director, came to the microphone and informed the Council the posting for a director closes on the 11th and probably within 2 or 3 weeks beyond by the time we will conduct interviews and select a new director.

Communication No. 08-17. Robert M. McCarthy, County Attorney, requesting time on the January 9th 2008 agenda for opening of RFP's for implementation of a debit/credit card processing system.

Commissioner O'Leary said we have a new communication No. 08-35 which we'll use to carry this on **He made a motion to place Communication No. 08-17 on file. Commissioner Lee seconded the motion and it carried with a unanimous verbal vote.**

SECTION IV COMMUNICATIONS TO BE READ AND ACTED UPON

1. 08-16 Paul Babb, Chief Executive, requesting concurrence in promotion of Richard Ryan to Battalion Chief in the Butte-Silver Bow Fire Department.

Chief Executive Babb asked that this be held in abeyance until the 23rd. Mr. Ryan And Jeff Miller are out of town this week.

Emergency Communication No. 08-35. Robert M. McCarthy, County Attorney, requesting the Council suspend taking action on Council Communication No. 08-17 which was a communication asking for time on tonight's agenda to receive and open proposals for a debit/credit card processing system. **It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried with a unanimous verbal vote to schedule a new opening for RFP's for January 23, 2008 and hold the communication in Committee of the Whole.**

SECTION V ORDINANCES AND RESOLUTIONS REFERRED TO JUDICIARY

1. **COUNCIL BILL NO. 08-1
ORDINANCE NO. 08-1**

AN ORDINANCE AMENDING BUTTE-SILVER BOW ORDINANCE NO. 195 AND CHAPTER 15.10 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "FIRE CODE" AND AMENDING SECTION 15.10.060, B-SB MC; RESTRICTING THE USE AND DISCHARGE OF FIREWORKS TO THE SAME PERIODS WHEN FIREWORKS CAN BE SOLD IN THE STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION VI

**ORDINANCES AND RESOLUTIONS –
FINAL PASSAGE**

1. COUNCIL RESOLUTION NO. 07-107

A RESOLUTION AUTHORIZING AND APPROVING THE SALE OF A PARCEL OF REAL PROPERTY DESCRIBED AS EAST ONE-HALF OF LOT 3 IN BLOCK 6 OF THE FARRELL'S ADDITION OWNED BY THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA TO THE ADJOINING OWNER PURSUANT TO POLICIES ADOPTED BY THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **It was moved by Commissioner O'Leary, seconded by Commissioner Lee and carried by a roll call vote of 12 yeas and 0 nays to place Council Resolution No. 07-107 on final reading and passed having been deemed fully read at length.**

The meeting adjourned at 8:26 PM.

CHIEF EXECUTIVE

ATTEST:

CLERK AND RECORDER